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Attorneys for Defendants
Ables & Hall Builders, Ronnie Ables,
Dennis Wade Ables and James A. Hall

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

Civil Action No.: 08cv2540(DC)

vs.

ABLES & HALL BUILDERS, a Kentucky
General Partnership; RONNIE ABLES,
DENNIS WADE ABLES and JAMES A.
HALL, its General Partners,

ECF CASE

Defendants.

**DEFENDANTS' NOTICE OF MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law (and any reply Memorandum filed hereafter); the Declaration of Stephen G. Traflet, dated April 22, 2008, and the exhibits thereto; the Declaration of Darlene Ables dated April 21, 2008, and the exhibits thereto; Plaintiff's Complaint; and all prior pleadings and proceedings had herein, Defendant Ables & Hall Builders, Ronnie Ables, Dennis Wade Ables and James A. Hall, by and through their attorneys, Traflet & Fabian, 1001 Avenue

of the Americas, 11th Floor, New York, New York 10018, will move this Court, before the Honorable Denny Chin, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for an Order dismissing, with prejudice, the Plaintiff's Complaint pursuant to Rules 12(b)(2), 12(b)(3) and 12(b)(6) of the Federal Rules of Civil Procedure, and granting such other and further relief as this Court may deem just and proper.

Dated: Morristown, New Jersey
April 22, 2008

Yours, etc.

TRAFLET & FABIAN

/s/ Stephen G. Traflet

STEPHEN G. TRAFLET

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Attorneys for Defendants
Ables & Hall Builders, Ronnie Ables,
Dennis Wade Ables and James A. Hall

CERTIFICATE OF SERVICE

The undersigned, an attorney duly admitted to practice law before this Court, hereby certifies under penalty of perjury that on April 22, 2008, I caused a true copy of the Notice of Motion to Dismiss Plaintiff's Complaint, Declaration of Stephen G. Traflet in Support of the Motion to Dismiss Plaintiff's Complaint executed on April 22, 2008 with the exhibits annexed thereto; the Declaration of Darlene Ables dated April 21, 2008, and the exhibits thereto; and the Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiff's Complaint to be served upon the following by First Class Mail, postage-prepaid:

Moshe Sasson, Esq.
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Dated: Morristown, New Jersey
April 22, 2008

/s/ Stephen G. Traflet
STEPHEN G. TRAFLET